UNIFORMED SERVICES EMPLOYMENT & REEMPLOYMENT RIGHTS

(USERRA)

HRO CNR HAWAII
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USERRA OVERVIEW

- USERRA was enacted in October 1994 and significantly updated in 1996 and 1998.

- The USERRA provides reemployment protection and other benefits for veterans and employees who perform military service.

- Under USERRA, if an employee leaves his/her civilian job for service in the uniformed services, he/she is entitled to return to the job, with accrued seniority, provided he/she meets the law's eligibility criteria.

- USERRA applies to voluntary as well as involuntary service, in peacetime as well as wartime, and the law applies to virtually all civilian employers, including the Federal Government, State and local governments, and private employers, regardless of size.

WHO'S ELIGIBLE

- Reemployment rights extend to persons who have been absent from employment because of "service in the uniformed services." "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service, including:

- Active duty (including Reserve and Guard members who have been called up)
- Active duty for training
- Initial active duty for training
- Full-time National Guard duty
- Absence from work for an examination to determine a person’s fitness for any of the above types of duty.
- Funeral honors duty performed by National Guard or Reserve members.

ELIGIBILITY CRITERIA

- Must have held a civilian job.
- Must inform the employer of leaving the job for service in the uniformed services.
- Period of service must not have exceeded five years.
- Must have been released from service under “honorable conditions.”
- Upon discharge, must report to civilian employer in a timely manner or have submitted a timely application for reemployment.

ACTIVITY RESPONSIBILITIES

- Upon notification by the employee entering into military service the activity will counsel the employee regarding:
  - His/her interest in being considered for promotional opportunities and to submit a resume into CHART for consideration.
  - Submitting employees resume for Merit Promotion vacancies within the Activity.
  - Acknowledge the timely notification of employee's intent to exercise reemployment rights upon discharge from military service.

- Activities will establish a USERRA file consisting of:
  - Employee's military orders, if/when available
  - Copy of current position description
  - Current resume to include uniformed service mailing an/or email address, if available
  - Signed Statement of Understanding (COMNAVREGHIINST 12000.1D)

USERRA REFERENCES

- COMNAVREGHIINST 12000.1D, CH-4, SECTION 207 MERIT PROMOTION PLAN, EXHIBIT III
- http://www.military.com
  (search on USERRA)
- 5 CFR 353 RESTORATION TO DUTY